

**STANDARD APPLICATION**  
**Harford County**  
**Board of Appeals**  
Bel Air, Maryland 21014

NOV 16 2007

Case No. 5635  
Date Filed 11/9/07  
Hearing Date \_\_\_\_\_  
Receipt \_\_\_\_\_  
Fee \$450.00

Shaded Areas for Office Use Only

**Type of Application**

- ☐ Administrative Decision/Interpretation  
☐ Special Exception  
☐ Use Variance  
☐ Change/Extension of Non-Conforming Use  
☐ Minor Area Variance  
☒ Area Variance  
☐ Variance from Requirements of the Code  
☐ Zoning Map/Drafting Correction

**Nature of Request and Section(s) of Code** \_\_\_\_\_

CASE 5635 MAP 38 TYPE Variance ELECTION DISTRICT 04

LOCATION 2537 Hess Road, Fallston 21047

BY Jefferson and Janet Wallen

Appealed because a variance pursuant to Sec. 267-35B Table III of the Harford County Code to permit an addition to maintain a rear yard setback of 40' (50' Required) in the RR District requires approval by the Board.

**NOTE:** A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

**Owner (please print or type)**

Name Jefferson P. Wallen Phone Number 410-692-0125  
Address 2537 Hess Road Fallston, Maryland 21047  
Street Number Street City State Zip Code

Co-Applicant Janet D. Wallen Phone Number 410-692-0125  
Address 2537 Hess Road Fallston, Maryland 21047  
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

Attorney/Representative N/A Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

## Land Description

Address and Location of Property 2537 Hess Road, Fallston, MD 21047

Subdivision Huntington

Lot Number 97

Acreage/Lot Size 121-167x203 Election District 4

Zoning RR

Tax Map No. 38 Grid No. 4E Parcel 111 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: \_\_\_\_\_

Estimated time required to present case: 15 minutes

If this Appeal is in reference to a Building Permit, state number 07107B0030

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

## Request

Request permission to put in regular wind-out windows to replace screen windows.

## Justification

The house is set back from the front setback line a greater distance than is required by the code. At the time the house was built, we did not realize we would need to avoid rain and snow from blowing into screened porch which has the permit # 2007107B0030. This could freeze in the winter and cause someone to slip and injury to residence or visitors. Owner is currently handicapped, also small grandchildren visit on occasion and could be injured from frozen or icy floor.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)



DAVID R. CRAIG  
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO  
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

December 11, 2007

### STAFF REPORT

### BOARD OF APPEALS CASE NO. 5635

APPLICANT/OWNER: Jefferson P. Wallen  
2537 Hess Road, Fallston, Maryland 21047

Co-APPLICANT: Janet D. Wallen  
2537 Hess Road, Fallston, Maryland 21047

REPRESENTATIVE: Applicants

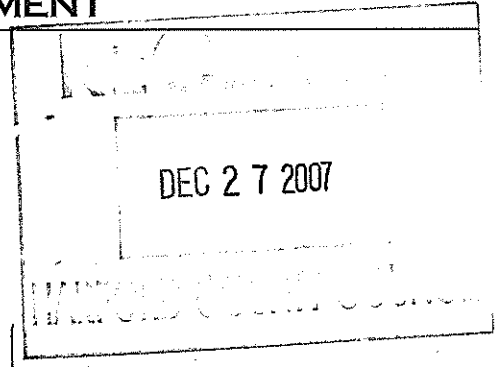
LOCATION: 2537 Hess Road-Huntington  
Tax Map: 38 / Grid: 4E / Parcel: 111 / Lot: 97  
Election District: Four (4)

ACREAGE: 0.68± of an acre

ZONING: RR/Rural Residential District

DATE FILED: November 9, 2007

HEARING DATE: January 16, 2008



### APPLICANT'S REQUEST and JUSTIFICATION:

#### Request:

"Request permission to put in regular wind-out windows to replace screen windows."

#### Justification:

"The house is set back from the front setback line a greater distance than is required by the Code. At the time the house was built, we did not realize we would id an addition to avoid rain and

*~ Preserving Harford's past; promoting Harford's future ~*

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snow from blowing into screened porch which has the permit number 2007107B0030. This could freeze in the winter and cause someone to slip and injury to residence or visitors. Owner is currently handicapped, also small grandchildren visit on occasion and could be injured from frozen or icy floor.”

### **CODE REQUIREMENTS:**

The Applicants are requesting a variance pursuant to Section 267-35B, Table III of the Harford County Code to permit an addition to maintain a rear yard setback of 40 feet (50 feet required) in the RR/Rural Residential District.

Enclosed with the report is a copy of Section 267-35B, Table III of the Harford County Code (Attachment 1).

### **LAND USE and ZONING ANALYSIS:**

#### **Land Use – Master Plan:**

The Applicant’s property is located on the south side of Hess Road approximately 150 feet west of Suffolk Lane. A location map, a copy of the Applicant’s site plan and a copy of the record plat are enclosed with the report (Attachments 2, 3 and 4).

The subject property is located outside of the Development Envelope. The predominant land use designations are Agricultural and Rural Residential. The Natural Features Map reflects Agricultural Preservation Districts and Easements, Sensitive Species Project Review Areas, and Stream Systems. The subject property is located within the Rural Residential Area which is defined by the 2004 Master Plan as:

*Rural Residential – Areas of focused rural development within the agricultural area, which allow low intensity residential opportunities while maintaining the character of the surrounding countryside. Water and sewer services are not planned for these areas. Residential density is limited to 1.0 dwelling unit per 2 acres.*

Enclosed with the report are copies of Fallston Community Area Map, the 2004 Land Use Map and the Natural Features Map (Attachments 5, 6 and 7).

#### **Land Use – Existing:**

The existing land uses generally conform to the overall intent of the Master Plan. The predominant land use is Agriculture which includes cropland, pastureland and large areas of dense woodland. There are several single family residential developments throughout the area. Other land uses include schools, churches and parks. The topography in this area ranges from rolling to steep especially near the stream valleys. Enclosed with the report are an aerial photograph and a copy of the topography map (Attachments 8 and 9).

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The Applicant's lot is part of the Huntington single family residential subdivision developed prior to 1977. The lot fronts on the south side of Hess Road and is approximately 0.68 of an acre in size. It is basically rectangular in shape. The lot slopes up from the road to the front of the house with an elevation difference of approximately seven to ten feet. The property levels off around the house and then rises gently again to the rear property line. The lots adjoining the subject property on the east and west sides also front on Hess Road. The lot to the rear, and most impacted by the proposed variance, fronts on Suffolk lane. Improvements consist of a brick and frame single family dwelling, a concrete driveway with parking pad, and a screened porch enclosure to the rear of the dwelling. Located to the left and rear of the dwelling is a storage building. Although the minimum front yard building setback is 40 feet, the dwelling was located approximately 125 feet back from the front property line. Most of the other dwellings along Hess Road are located closer to the 40 foot minimum building setback line. The property is nicely landscaped with mature trees and shrubbery and all improvements appear to be well maintained. Enclosed with the report are site photographs, a topography map for the subject lot and aerial photographs (Attachments 10, 11 and 12).

### Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classifications in this area are AG/Agricultural and RR/Rural Residential. The subject lot is zoned RR/Rural Residential as shown on the enclosed copy of the zoning map (Attachment 13).

### SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-35B, Table III of the Harford County Code to permit an addition to maintain a rear yard setback of 40 feet (50 feet required) in the RR/Rural Residential District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The dwelling was placed 85 feet behind the required front yard setback. The adjacent property to the rear of the applicants dwelling is maintained as lawn. There is over 100 feet between the proposed addition and the adjacent dwelling to the rear. The addition is consistent with other structures in the neighborhood. The request will not adversely impact the adjacent properties or the intent of the code.

STAFF REPORT

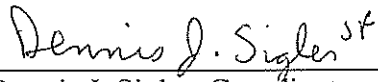
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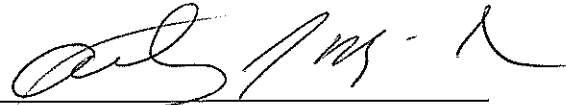
**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the request be approved subject to the applicants obtaining all necessary permits and inspections for the conversion of the porch.



Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review

DJS/ASM/jf



Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning